

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 4409 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE J.M.PANCHAL
and
Hon'ble MR.JUSTICE M.C.PATEL

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
 5. Whether it is to be circulated to the Civil Judge? : NO

STATE OF GUJARAT

Versus

HEIRS OF DECD.SAVGANBHAI VIRJIBHAI

Appearance:

MS NANDINI JOSHI, AGP for Petitioner
MR CL SONI for Respondent No. 1

CORAM : MR.JUSTICE J.M.PANCHAL
and
MR.JUSTICE M.C.PATEL

Date of decision: 25/09/2000

ORAL JUDGEMENT [Per Panchal, J.]

Admitted. Mr. C.L. Soni, learned counsel waived service of notice on behalf of the respondents. Having regard to the facts of the case and in view of the joint request made by the learned counsel for the parties, the appeal is taken up for final hearing today.

2. This appeal, which is filed u/S. 54 of the Land Acquisition Act, 1894 read with section 96 of the Code of Civil Procedure, 1908, is directed against judgment and award dated 6/12/1997 rendered by the Ld. Assistant Judge, Dist. Sabarkantha at Himatnagar in Land Acquisition Case No. 771/1988. The agricultural lands of the respondents situated in the sim of village Bhanpur, Taluka Idar, District Sabarkantha were acquired for Dharoi Jalagar Yojna pursuant to publication of notification issued u/S. 4 (1) of the Land Acquisition Act, 1894 in the Official Gazette on 1/9/1971. The Land Acquisition Officer by his award dated 6/6/1992 had offered compensation to the claimants at the rate of Rs.2156/- per acre for non-irrigated lands and Rs.2848/- per acres for irrigated lands. It may be stated that the respondents and others were dissatisfied with the offer of compensation made by the Land Acquisition Officer and had sought references which were made by the Land Acquisition Officer to District Court at Himatnagar. These references were registered as Land Reference Case Nos. 753/1988 to 765/1988 and 767/1988 to 780/1988. The Ld. Assistant Judge, District Sabarkantha at Himatnagar who heard the References had enhanced compensation payable to the claimants by judgment and award dated 6/12/1997 and held that the claimants were entitled to compensation at the rate of Rs.200/- per Are for non-irrigated lands and Rs.220/- per Are for irrigated lands.

3. Feeling aggrieved by the award of the Reference Court, the State of Gujarat had filed First Appeals Nos. 4392/1999 to 4418/1999, First Appeals Nos. 4392/1999 to 4408/1999, First Appeals Nos. 4410/1999 and 4411/1999, First Appeal No. 4413/1999, First Appeals Nos. 4415/1999 to 4418/1999 challenging the judgment and award dated 6/12/1997 rendered by the learned Assistant Judge, District Sabarkantha at Himatnagar in Land Reference Case No. 753 to 765 of 1988 and 767 to 780 of 1988. All the above numbered First Appeals were decided by Division Bench comprising the Hon'ble Mr. Justice M.H. Kadri and the Hon'ble Mr. Justice D.P. Buch vide judgment and order dated 24/7/2000 and the appeals were dismissed.

4. This appeal which forms part of the above referred to group of first appeals could not be heard

because respondent no. 1 had expired and his heirs and legal representatives were required to be brought on the record of the case. We have heard the learned counsel for the parties. This appeal is squarely covered by previous judgment of this Court rendered on 24/7/2000 and, therefore, for the reasons stated in the said judgment, this appeal also fails and is dismissed with no order as to costs.

* * *

PVR.